

Application No. 10/522,548
Amendment dated September 5, 2007
Reply to Office Action of June 6, 2007

Docket No.: 5417-0103PUS1

REMARKS

Claims 30-57 are present in the instant application. Claims 1-29 are canceled without prejudice or disclaimer and claims 53-57 have been added by this Amendment. Reconsideration of the application, as amended, is respectfully requested.

An Information Disclosure Statement is being filed herewith. **Notification of receipt of this IDS and consideration of the documents cited therein are respectfully requested.**

An Information Disclosure Statement was also filed on January 27, 2005. The Japanese document cited therein has been considered by the Examiner, but no indication of consideration of the cited US Patent 5,227,717 has been given. Because this is a US Patent, it is not necessary to supply a copy of this document. Moreover, because the IDS was timely filed on January 27, 2005 with the filing of the US stage of this application, this IDS was timely submitted. The Examiner is required to consider this US Patent. To complete the record so that it will be readily apparent that this document was considered, another copy of the PTO 1449 form from the January 27, 2005 IDS is attached herewith. **It is again requested that the Examiner now return an initialed copy of this 1449 form at least indicating his consideration of this US Patent.** This consideration was also requested on page 2 of the last Amendment of March 1, 2007.

Claim 44 is rejected under 35 U.S.C. 102(a) as being anticipated by Fujishiro et al, U.S. Patent 6,784,657. This rejection is respectfully traversed.

Claims 45-52 are objected to as being dependent upon a rejected base claim 44, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant gratefully acknowledges that the Examiner considers certain claims to be allowable. The Fujishiro et al patent, however, has a filing date of November 25, 2002. The filing date of the present application, on the other hand, is July 30, 2002. This application was

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filed through the PCT. The filing date of the present application is earlier than the filing date of the Fujishiro et al reference. As such, this reference is not a proper reference to use in a 35 USC 102(a) rejection. As such, this rejection should now be reconsidered and withdrawn.

Conclusion

In view of the above remarks, the claims should be allowable. An early Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: September 5, 2007

Respectfully submitted,

By 

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Attachment: January 27, 2005 IDS 1449 Form